

GOVERNMENT OF ANDHRA PRADESH

ABS TRACT

Panchayats – Gram Panchayats – Revision Petition filed by Sri Katthi China Narasimhulu, (Removed Sarpanch) Vontimitta Gram Panchayat & Mandal, Kadapa District against the proceedings of District Collector (PW), Kadapa District – Disposed – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.IIA) DEPARTMENT
G.O. Rt. No. 1372

Date:08.09.2008.

Read the following:

1. From Sri Katthi China Narasimhulu, Vontimitta Gram Panchayat & Mandal, Kadapa District dt: 7-04-07.
2. Govt Memo No. 8341/Pts.IIA/2007-1, dt: 16-04-07..
3. From the Dist. Collector, Kadapah Roc. No. 4576/2006-A2, dt: 30-04-07.
4. WPMP No. 15743 of 2007 in WP No. 12630 of 2007 dt: 19-06-07 of H.C.
5. WP No. 12630 of 2007 dt: 09-10-07-07 of H.C.
6. From the Dist. Collector, Kadapah Roc. No. 4576/2006-A2, dt: 29-11-07.

ORDER:

In the reference 3rd read above, the District Collector, Kadapa District has disqualified to the Sarpanch of Ontimetta Gram Panchayat and Mandal, Kadapa District under section 18 of APPR Act, 1994 for having held dual post of Trust Member of Sree Kodandaramaiah Devasthanam.

2. Aggrieved by the above said orders, in the reference 1st read above Sri Katthi China Narasimhulu, Vontimitta Gram Panchayat & Mandal, Kadapa District has filed a Revision Petition before the Government requesting to set aside and stay the orders passed by the District Collector, Kadapah..

3. In the reference 2nd read above, the Government while staying the proceedings of the District Collector, Kadapa has called a detailed point wise remarks from the District Collector (PW), Kadapah.

4. In the reference 4th read above the Hon'ble High Court has granted interim suspension, issued vide reference 2nd read above, based on the Writ Petition filed by Sri Katti Ayavariah and also issued directions to the 4th respondent i.e Sri Katti Chinna Narasimhulu for file appropriate application before the District Judge, kadapa for a decision as to whether fourth respondent is disqualified to hold/to continue in the office of Sarpanch, Vontimitta Gram Panchayat and Mandal.

5. In the reference 5th read above the Hon'ble High Court while vacating the stay orders granted earlier and also disposing the case has observed to the following that the powers vested with the Government under section 264 of the Act are valid and there is no limitation to exercise revisional powers. Further the question that arises for consideration is as to whether the District Collector (PW), Kadapa is entitled to disqualify the elected Sarpanch in exercise of his power under section 22 of the Act. No doubt, Section 17 to 20 of the Act deal with disqualification of certain members. The Authority to decide the question of disqualification of members of the elected Sarpanch is only the District Court on an application made to it. The District Collector can only intimated about the disqualification of the elected Sarpanch, but he cannot decide the disqualification disentitling the Sarpanch from holding the post of Sarpanch.

6. Government have examined the material on record, the contentions raised in the revision petition and the observations made by the Hon'ble High Court in the above said Writ Petitions, has informed to the District Collector, Kadapa that under section 22 of the APPR Act, 1994 the power to disqualify the Sarpanch is vested with the District Court having jurisdiction over the area in which the office of the Gram Panchayat situated. The Revision Petition is accordingly disposed off.

(p.t.o)

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7. The District Collector (PW), Kadapah District is requested to take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHITRA RAMACHANDRAN
SECRETARY TO GOVERNMENT**

To:

Sri Katthi China Narasimhulu, Vontimitta Gram Panchayat & Mandal,
Kadapa District.

The Commissioner, PR & RE, Hyderabad.

The District Collector (PW), Kadapah.

The District Panchayat Officer, Kadapah..

Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER